



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ४, अंक १]

सोमवार, जानेवारी १, २०१८/पौष ११, शके १९३९

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असाधारण क्रमांक १

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

REVENUE AND FORESTS DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated 1st January, 2018.

NOTIFICATION

LAND REVENUE CODE, 1966.

No. Jamin-2017/C.R.61/J-1.—The following draft rules further to amend the Maharashtra Land Revenue Code, 1966, which the Government of Maharashtra proposes to make in exercise of the powers conferred by sub-section (1) and clauses (iv), (x), (xiv) and (xlii) of sub-section (2) 328 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and of all other powers enabling it in that behalf, is hereby published as required by sub-section (1) of section 329 of the said Code, for information of all the persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the 28th day of February, 2018.

2. Any objections or suggestions which may be received by the Principal Secretary to the Government of Maharashtra, Revenue and Forests Department, Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032 from any person with respect to the said draft on or before the aforesaid date will be considered by the Government.

DRAFT RULES

1. These rules may be called the Maharashtra Land Revenue (*Prescribing of Rates of charges, Levies and fines*) Rules, 2017.

2. (1) In this rule, unless the context otherwise requires—

(a) “*Annual Statement of Rates*” means land rates as determined and issued in the form of Annual Statement of Rates determined and issued in the form of Annual Statement of Rates determined and fixed by the Chief Controlling Revenue Authority under the Bombay Stamp (Determination of True market Value of Property) Rules, 1995 framed under the Maharashtra Stamp Act (LX of 1958) ;

(b) “*Code*” means the section of the Maharashtra Land Revenue Code, 1966 ;

(c) “*Section*” means the section of the Code.

3. (i) The price at which the collector shall offer, under sub-section (2) of section 35, a survey number relinquished under section 55. shall not exceed twenty-four times the assessment thereof or 50% of the market value of such sub-division as per the Annual statement of Rates, whichever is higher.

(ii) The penalty, leviable under, sub-section (4), of Section 35, shall be equal to three times the assessment or five thousand rupees whichever is higher.

4. In addition to the non-agricultural assessment, the fine leviable under sub-section (5) of Section 44, on a person who fails to inform the Tahsildar within the period specified in sub-section (4) of section 44 shall not exceed twenty five thousand rupees.

5. (1) The penalty leviable under Sub-clause (i) of clause (a) (1) of sub-section (3) 44A, shall not exceed rupees five lakhs.

(2) The penalty leviable under clause (a) of sub-section (4) of section 44A, on any person failing to comply with the directions or to take steps required to be taken within the period specified in the notice, shall not exceed two lacs fifty thousand rupees and the daily penalty for each day during which the contravention continues, shall not exceed rupees five thousand.

6. The penalty leviable under sub-section (2) of Section 45, on any person failing to take steps required by the Collector within the period specified in the notice shall not exceed fifteen thousand rupees for such contravention, and the further penalty leviable for each day during which the contravention is persisted in, shall not exceed fifteen hundred rupees.

7. (1) The conversion tax leviable under clause (c) of sub-section (2) of Section 47A, shall be equal to 5 [five times] the non-agricultural assessment leviable on such land or ten thousand rupees whichever is higher.

(2) The conversion tax leviable under clause (c) of sub-section (3) of Section 47A shall be equal to 5 [five times] the non-agricultural assessment leviable on such land or twenty five thousand rupees whichever is higher.

8. (1) The annual rent under sub-clause (b) of clause (iv) of sub-section (2) (iv) (b) of Section 49, to be decided by the Tahsildar in cases where the water course consists of underground pipes, shall be, at a rate of twenty rupees for every ten metres or a fraction thereof, for the total length of land under which the underground pipe is laid.

(2) The fine leviable under sub-section (10) of Section 49 on any person, who wilfully injures or damages any water course duly constructed or laid shall not exceed ten thousand rupees every time for the injury or damage so caused.

9. (1) The liability for payment under sub-section (2) of Section 50 on the person who makes such encroachment or who is in unauthorised occupation of the land so encroached upon, shall, if the land encroached upon forms part of an assessed survey number, be equal to assessment for the entire number for the whole period of the encroachment, and if the land has not been assessed, equal to such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land used for the same purpose. The additional fine leviable under sub-section (2) section 50 shall be not less than two thousand five hundred rupees but not more than fifty thousand rupees if the land is used for an agricultural purpose, and if used for a purpose other than agriculture, such fine shall not exceed one lac rupees. The person caught hawking or selling any articles shall be liable to pay fine of a sum not exceeding two thousand five hundred rupees as the Collector may determine.

(2) The fine leviable under sub-section (4) of Section 50 at the discretion of the Collector on any person who makes, causes, permits or continues any encroachment on any land referred to in a notice, in addition to the penalties specified in sub-section (2) of Section 50, shall not exceed ten thousand rupees in the case of encroachment for agricultural purposes and twenty thousand rupees in other cases for every day during any portion of which the encroachment continues after the date fixed for the notice to take effect.

10. A person unauthorisedly occupying or wrongfully in possession of land after he has ceased to be entitled to continue the use, occupation or possession shall also be liable at the discretion of the Collector to pay a penalty under sub-section (3) of Section 53 which shall not exceed two times the assessment or rent for the land, or Rs. fifty thousand whichever is higher for the period of such unauthorised use or occupation.

11. The rate for use of water for agricultural purposes chargeable under proviso section 70 shall be hundred rupees only per year per holder.

12. Under sub-section (3) of Section 72, if within three years of the date on which the Collector takes possession of the occupancy or alienated holding under sub-section (2), the former occupant or superior holder thereof applies for restoration of the occupancy or alienated holding, the Collector may restore the occupancy or alienated holding to the occupant or, as the case may be, to the superior holder on the occupant or superior holder paying arrears due from him as land revenue and a penalty equal to forty times the assessment.

13. The rate of assessment under sub-section (2) of Section 110, of lands falling in Class I, according to the non-agricultural purpose for which they are used, shall not exceed One rupee per square metre per year, and of those falling in Class II shall not exceed two rupees per square metre per year, regard being had to the market value of lands used for the non-agricultural purpose, so however, that the assessment so fixed is not less than the agricultural assessment which may be leviable on such land.

14. The fee payable by a holder under Section 129 for receiving a sanad shall be five hundred rupees per sanad:

Provided that, if such holder do not apply for such sanad or sanads at the time of payment of the survey fee or thereafter within one year from the date of the public notice issued by the Collector under section 127, the Collector may require him to pay an additional fee not exceeding two thousand rupees for each sanad.

15. The penalty leviable under Section 174, by the collector if any instalment of land revenue or any part thereof is not paid within one month after the prescribed date, shall not exceed the amount not so paid.

16. The fine leviable under Section 229, shall not exceed two thousand five hundred rupees.

17. Under Section 266, where the assessment leviable in any case under the provisions does not exceed one rupees per annum, Collector subject to the orders of the State Government to levy, in lieu of such assessment, a single lump sum of such amount as the Collector, subject as aforesaid deems to be a fair equivalent of the assessment but not in any case exceeding sixty times the assessment.

18. The fee chargeable under sub-section (2) of section 267, shall not exceed five hundred rupees calculated according to the rates specified in the table below.

TABLE
(See section 267)

Table of rates of fees payable under the provisions of section 267 in respect of notices demanding payment of arrears of revenue.

Sr. No.	Revenue due	Notice Fee Rs. P.
1	Not exceeding Rs. 5000/-	100.00
2	Over Rs.5000/- and not exceeding Rs. 1,00,000/-	250.00
3	Over Rs. 1,00,000/-	500.00

19. The fee payable under Section 273, shall be according to the table given below on all warrants issued under the provisions of section 269 or the attachment and sale of the property of defaulters by the person in respect of whose property such warrants are issued, and an additional fee of five hundred rupees per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

TABLE

(See section 273)

Table of fees payable under the provisions of section- 273 of this Code.

Sr. No.	Sum distrained for.	Fee Rs. P.
1	Not exceeding Rs. 1000	50.00
2	Over Rs. 1000 and not exceeding Rs. 10,000	100.00
3	Over Rs. 10,000 and not exceeding Rs. 1,00,000	250.00
4	Upwards of Rs. 1,00,000.	500.00

20. Under Section 289, every superior holder of land shall be responsible for the maintenance and good repair of the survey-boundary marks of his holding and for any expenses, not exceeding five hundred rupees for each mark, reasonably incurred on account of the same by the Collector in cases of alteration or removal.

21. Under Section 291, if the said survey-boundary mark be not renewed or repaired, within the stipulated period, to the Collector's satisfaction, it shall be lawful for the Collector to charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding one thousand rupees in the whole as he may deem fit.

22. Under Section 298, every person neglecting to give the notice, shall be liable at the discretion of the Collector to a fine not exceeding five hundred rupees in case of holdings paying less than one rupee as land-revenue, and in no other case exceeding five thousand rupees.

23. Under Section 324, notwithstanding anything contained in the Maharashtra Court-fees Act (36 of 1959), but subject to the provisions of section 275, every appeal or application made to the Tribunal shall bear a court-fee stamp of five hundred rupees if the value of the suit property is ten thousand rupees or less and if such value exceeds ten thousand rupees, court fee stamp as prescribed in the table below based upon the market value of the land.

Sr. No.	Market Value as per Annual Statement of Rate	Amount of court-fee stamp to be affixed
1	Rs.10,001 to Rs.5,00,000	Rs. 1000
2	Rs.5,00,001 to Rs.25,00,000	Rs. 2000
3	Rs.25,00,001 to Rs.1,00,00,000	Rs. 3000
4	Above Rs.1,00,00,000	Rs. 4000

24. The fine leviable under Section 329 on, any person committing a breach of the rules shall, in addition to any other consequences that would ensue from such breach, not exceed five lac rupees.

By order and in the name of the Governor of Maharashtra,

RAJENDRA KSHIRSAGAR,
Joint Secretary to Government.